

**Air Pollution Control District Governing Board**  
San Diego County Air Pollution Control District  
**AGENDA ITEM # 04**

**DATE:**           **October 14, 2021**

**TO:**               Air Pollution Control District Governing Board

**SUBJECT:**

APPOINTMENT OF MEMBERS TO THE AIR POLLUTION CONTROL DISTRICT HEARING BOARD

**REQUESTED ACTION:**

Appoint Hearing Board Members and Alternates pursuant to Attachment B to the Interim Bylaws, entitled: “Procedures for Appointment of Governing Board Public Members.”

**OVERVIEW:**

California Health and Safety Code Section 40800 provides for the appointment of members to the Air Pollution Control District Hearing Board. The duties of the Hearing Board include consideration of variance requests from permitted entities, permit appeals from permittees or members of the public, and requests for abatement orders. The Hearing Board is made up of five members, which include: one member admitted to practice law in California: one registered professional engineer; one member from the medical profession with specialized skills, training or interests in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine; and two public members. An alternate for each member may also be appointed.

Hearing Board members were previously appointed by the County Board of Supervisors, sitting as the Air Pollution Control Board. The prior procedures for the appointment of Hearing Board members were specific to the Board of Supervisors and did not carry over to the new APCD Governing Board structure. On April 2, 2021, the new Governing Board adopted procedures for the appointment of Hearing Board members, reflected in Attachment B of the Interim Bylaws.

Hearing Board members and their associated alternates are appointed to terms of office for three years. Currently, one of the five Hearing Board members (the professional engineer member) is serving under an expired term. Accordingly, today's request is for the appointment of the professional engineer member to the Hearing Board.

In accordance with the procedures, each applicant has been requested to attend the Board meeting and be prepared to make an introductory statement and answer questions from the Board. At this time, the District has received only one application for the professional engineer member. The Board will consider the appointment of the Hearing Board member in accordance with the adopted procedures.

**FISCAL IMPACT:**

N/A

**ENVIRONMENTAL STATEMENT:**

The requested action is not a project subject to the California Environmental Quality Act (“CEQA”). CEQA Guidelines Section 15378(b)(5) provides that the definition of project does not include, “Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.”

**PREVIOUS RELEVANT BOARD ACTIONS:**

N/A

**PUBLIC ENGAGEMENT AND OUTREACH**

On July 27, 2021, the Hearing Board member application form was publicly noticed by the District via its public website at [www.sdapcd.org](http://www.sdapcd.org), email listserv with approximately 4,500 recipients, social media platforms, and other communications with a wide range of stakeholders. The application deadline was extended to October 4, 2021, to allow more time for outreach and submittal of applications, as well as to solicit applications for the medical professional alternate member, which is currently vacant. As of the deadline, 1 application was received by the Clerk of the Board for the professional engineer member position.

**ATTACHMENT(S):**

1. Attachment A - Interim Bylaws Attachment B: San Diego County Air Pollution Control District Procedures for Appointment of Hearing Board Members
2. Attachment B - Hearing Board Member Application
3. Attachment C – Hearing Board Member Roster

**SUBMITTED BY:**

Paula Forbis, Interim Air Pollution Control Officer

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